

Docket No.  
NU-01-003US

## Declaration and Power of Attorney For Patent Application

### English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**TAILORED INDEX SINGLE MODE OPTICAL AMPLIFIER AND DEVICES AND SYSTEMS INCLUDING SAME**

the specification of which

(check one)

is attached hereto.

was filed on 09/14/2001 as United States Application No. or PCT International Application Number 09/951,778  
and was amended on N/A

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>

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I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional

60/232,880	09/15/2000
(Application Serial No.)	(Filing Date)
60/233,437	09/18/2000
(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

09/547,302	07/28/2000	PENDING
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*list name and registration number*)

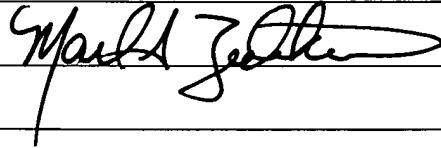
Raymond H. J. Powell, Jr., Registration No. 34,231

Robert A. Westerlund, Registration No. 31,439

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**122 N. Alfred Street**  
**Alexandria, Virginia 22314-3011**

Direct Telephone Calls to: (*name and telephone number*)

Raymond H. J. Powell, Jr., (703) 706-5862

Full name of sole or first inventor <b>Mark S. Zediker</b>		<b>10/1/01</b>
Sole or first inventor's signature	Date	
Residence <b>St. Charles, MO</b>		
Citizenship <b>United States</b>		
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H. Full name of second inventor, if any <b>Eric E. Bott</b>		<b>10/1/01</b>
Second inventor's signature	Date	
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<b>Wildwood, MO 63011</b>		

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Full name of third inventor, if any <b>Brian O. Faircloth</b>	<i>Brian Faircloth</i>	10/11/2001
Third inventor's signature		Date
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Citizenship <b>United States</b>		
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<b>Kirkwood, MO 63122</b>		

Full name of fourth inventor, if any <b>John M. Haake</b>	<i>John M. Haake</i>	10/01/01
Fourth inventor's signature		Date
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Citizenship <b>United States</b>		
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<b>St. Charles, MO 63301</b>		

Full name of fifth inventor, if any <b>James A. Priest</b>	<i>James Allen Priest</i>	10/01/01
Fifth inventor's signature		Date
Residence <b>St. Charles, MO</b>		
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<b>University City, MO 63130</b>		

Full name of sixth inventor, if any	
Sixth inventor's signature	
Residence	
Citizenship	
Post Office Address	

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re patent application of****Mark S. Zediker et al.****Serial No.: 09/951,778****Group Art Unit: 2881****Filing Date: September 14, 2001****Examiner: Unknown****For: TAILORED INDEX SINGLE MODE OPTICAL AMPLIFIERS AND DEVICES AND SYSTEMS INCLUDING SAME****Honorable Commissioner of Patents  
Alexandria, Virginia 22313-1450****REVOCATION OF POWER OF ATTORNEY AND  
APPOINTMENT OF NEW ATTORNEY****Sir:**

NUVONYX, INC., hereby certifies, pursuant to 37 C.F.R. § 3.73(b), that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventor of the patent application identified above.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

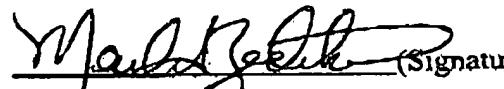
The undersigned, whose signature and title appear below, is empowered to act on behalf of NUVONYX, INC., the assignee of the entire right, title, and interest of the present application.

I, the undersigned, hereby revoke all previous powers of attorney given in the above-identified application for letters patent, which application was filed on September 14, 2001, for an invention entitled "TAILORED INDEX SINGLE MODE OPTICAL AMPLIFIERS AND DEVICES AND SYSTEMS INCLUDING SAME", Serial No. 09/951,778, and I hereby appoint Sean M. McGinn, Reg. No. 34,386, of McGinn & Gibb, PLLC, 8321 Old Courthouse Road, Suite 200, Vienna, Virginia 22182-3817, (703) 761-4100, Customer No. 21254, as our attorney to prosecute said application, and to transact all business in the Patent and Trademark Office connected therewith.

Revocation of Power of Attorney  
U.S. Application No. 09/951,778  
NUV.006

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

 (Signature)  
MARK S. ZEDIKER (Typed Name)  
PRESIDENT (Title)  
NUVONYX, INC.